

MINUTES

PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY, JANUARY 20, 2005, 10:00 A.M. CITY HALL 8TH FLOOR – COMMISSION CONFERENCE ROOM

Members Present:

Peter R. Partington, Acting City Engineer
Bob Dunckel, Assistant City Attorney
Tony Irvine, City Surveyor
Chris Barton, Planner II
Greg Thornburgh, PBS & Collections Manager
Kathy Connor, Parks Supervisor
Tom Terrell, Maintenance Manager

Staff Present:

Ed Udvardy, Manager of General Services
Victor Volpi, Senior Real Estate Officer
Maureen Barnes, Administrative Assistant I
Mark Cervasio, Assistant Airport Manager
MaryAnn Slough, Recreation Program Coordinator
Rafeela Persaud, Word Processing Secretary

Guests Present:

Deena Tanning
Mark Goldman
Robert Couf
Norman Jones
Robert Lochrie

Peter Partington called the meeting at 10:05 A.M. and stated that this is a Committee with the responsibility of advising the City Commission on matters connected with City property.

ITEM ONE: APPROVAL OF DECEMBER 16, 2004 MINUTES

MOTION BY TOM TERRELL TO APPROVE THE MINUTES. SECONDED BY GREG THORNBURGH. MOTION PASSED UNANIMOUSLY.

ITEM TWO: VACATION OF ALLEY, BLOCK 196 OF PROGRESSO

Address or General Location: alley between NW 11 Street and Sunrise Boulevard, and NW 8 Avenue and NW 9 Avenue

Victor Volpi introduced item stating that Norman Jones would like a positive recommendation to

vacate the alley located in Block 196 of Progresso, between N.W. 11th Street, Sunrise Boulevard, N.W. 8th Avenue, and N.W. 9th Avenue. He stated that Mr. Jones represents the Bethel Evangelical Baptist Church and others in this block that would like to create better opportunities for development. Victor Volpi introduced Norman Jones.

Bob Dunckel asked about the lots owned by the church. Mr. Jones stated that the church owned lots 1 through 7. Mr. Jones said that the vacation requested was north of 11th Street which was unimproved. Peter Partington asked the purpose of the vacation. Mr. Jones said that it was recommended by DRC to come before the PROW Committee to apply for a partial vacation of the alley.

Tony Irvine stated that the alley was part of the perennial Progresso plat where a 71/2-foot strip was reserved at the rear of each lot when platted, and most of the alleys were never constructed and have not been used as utility corridors.

Bob Dunckel questioned the usage of the alley by other property owners for ingress and egress. Mr. Jones said the alleys were not used.

Peter Partington asked about the submission to DRC. Mr. Jones stated that a new site development plan that would improve the entire scope of work on the north side of 11th Street, between 8th and 9th Avenues. Mr. Jones stated that the church complex would be completely renovated with new parking and the land on the south side, corner of 11th Avenue and 8th Street would be additional parking for the church. Peter Partington stated that a site plan was needed. Mr. Jones said that they had never submitted to DRC the request of an alley abandonment, but it was DRC's suggestion that they do so.

Greg Thornburg said that there was an 8-inch gravity sewer in the alley, which is maintained by the City. Mr. Jones said that they have no intentions of vacating or using the alley.

Tony Irvine asked Chris Barton about the requirements and pre-requisites for abandonment of an alley. Chris Barton read the five criteria for vacation of a right-of-way. Peter Partington stated that Mr. Jones was not interested in acquiring land from the alley and was only fulfilling an obligation made by DRC. Chris Barton said he would check with his office regarding the recommendation by DRC.

Tony Irvine said that the utilities were obstructed by fences, the alley was never paved or used, and he did not understand the level of anxiety of the Committee regarding the alley. Bob Dunckel said the Utilities Division would be uneasy about vacating the alley with an 8" main in there and how to service it.

MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL. SECONDED BY TONY IRVINE.

Peter Partington stated that he would vote against this item largely due to the sewer line.

MOTION BY CHRIS BARTON TO TABLE UNTIL FURTHER INVESTIGATION WITH DRC. SECONDED BY KATHY CONNOR.

Yeas: Bob Dunckel, Greg Thornburg, Tom Terrell, Kathy Connor, Chris Barton
Nays: Tony Irvine, Peter Partington.

MOTION PASSED.

Chris Barton said he would have an answer by the afternoon.

ITEM THREE: **VACATION OF PLATTED EASEMENT, FLAMINGO PARK**

Address or General Location: 1533 SW 22 Avenue

Victor Volpi introduced item stating that McLaughlin Engineering (agents for owner) would like a positive recommendation to vacate a platted easement as shown on the Exhibit B. He stated that structures are encroaching into the easement.

No representative from McLaughlin Engineering was present for this item.

Discussion followed regarding the legal description and sketch of Lots 12 and 1 by McLaughlin.

MOTION BY TONY IRVINE TO DEFER. SECONDED BY BOB DUNCKEL.

MOTION PASSED UNANIMOUSLY.

ITEM FOUR: **GATED CITY STREET, S.E. 13TH STREET**

Address or General Location: SE 13 Street, east of Cordova Road (just over the bridge)

Victor Volpi introduced item stating that Mark Goldman would like a positive recommendation to gate S.E. 13th Street, east of Cordova Road just over the bridge. He stated that Mr. Goldman has a recommendation from the Neighborhood Association. He said that they intend to pull all necessary permits, construct and maintain the gates, as well as indemnify the City, as best as they can, for any liability. Victor Volpi introduced Mark Goldman.

Peter Partington asked about the proposed location of the gate which would be on the west side of the bridge. Peter Partington asked about other neighborhoods. Mr. Goldman said it was Lauderdale Harbors, and not part of the Rio Vista Civic Association. Peter Partington said that one criteria for City's gates would be 200 feet from the nearest major street, which in this case would be Cordova Road. Tom Terrell stated that, after driving out there, it could be 100 feet from Cordova Road and the gates would be on the east side of the bridge, and there was no turnaround in front of the bridge. Peter Partington said that it was analogous to Sunrise Key.

Discussion followed as to the comparison with the gates in Sunrise Key, purpose and operation of the gate, any discussion with the NCIP group, and getting approval and having the Neighborhood Association as the applicant. Mr. Goldman stated that the Neighborhood Association only meets twice a year.

Bob Dunckel said that after speaking with the new Public Works Director and City Manager, he believes that they are not much in favor of street closures, and the Neighborhood Association should be the applicant. He said he was not in favor of this because of the proximity to the bridge and the precedent it would set for all the islands along Cordova Road. Peter Partington said that there should be a representative from the City Manager's office.

Tom Terrell said that it should be incorporated with the Civic Association and full member support and that the traffic along Cordova Road was much more heavy than Sunrise Key and would create a safety issue. Chris Barton said that a site plan was needed with detailed information.

Addressing the traffic concerns, Mr. Goldman said that the signs would say "gate opens automatically".

Peter Partington said that the neighborhood should be involved and the application should be from the Civic Association.

Bob Dunckel said that Albert Carbon, Public Works Director and a representative from City Manager's office would need to communicate to the PROW Committee the philosophy and direction regarding gated arms and street closures.

Discussion followed as to the Neighborhood Association, the school zone on Cordova Road, the dubious location of the gated arms, obtaining the engineering plan and getting a better concept of the gated arms.

Peter Partington said that he and Victor Volpi would speak to the Public Works Director, and communicate with the City Manager's office. He said that the application should be restructured to be coming from the Civic Association, with documentation and more details.

MOTION BY BOB DUNCKEL TO DEFER. SECONDED BY KATHY CONNOR.

Tony Irvine suggested for the applicant to obtain a copy of the engineering drawing of the Cordova Isles Utility Replacement.

MOTION PASSED UNANIMOUSLY.

ITEM FIVE: NON-PROFIT EVENT ON CITY PROPERTY, F.O.O.L.S.

Address or General Location: NW 2 Street and NW 1 Avenue, the old heliport (just west of City Hall)

Victor Volpi introduced item stating that the Fraternal Order of Leatherheads Society (F.O.O.L.S.) would like a positive recommendation to allow them to use City owned property, just west of City Hall, the old heliport, for a vehicular extrication symposium and competition. Victor Volpi introduced David Carter, representative for F.O.O.L.S., and Mark Cervasio, Assistant Airport Manager.

Bob Dunckel questioned the number of people attending this event. Mr. Carter said approximately 100 people. Bob Dunckel said that there was an administrative process in place for special events. Mr. Carter said that this would be a charitable event and in order to use the helipad, it was referred to the PROW Committee.

Discussion followed as to the item coming before the PROW Committee instead of Parks and Recreation Department, the dates and time, parking accommodations for the participants, type of equipment used, and any conflicts with Planning and Zoning issues.

Mr. Carter said that every competitor has to use the same set of tools and there may be one fire apparatus for safety reasons.

Bob Dunckel stated that this event could be administered through Special Events. Tom Terrell stated that the applicant would need to talk to John Hoezle, Director of Parking regarding the parking lot to the south.

MOTION BY TONY IRVINE TO RECOMMEND APPROVAL OF THE F.O.O.L.S. COMPETITION AND TO WORK DIRECTLY THROUGH THE SPECIAL EVENTS SECTION OF PARKS AND RECREATION. SECONDED BY TOM TERRELL.

MOTION PASSED UNANIMOUSLY.

ITEM SIX: TEMPORARY STREET CLOSURE, N.E. 32ND AVENUE

Address or General Location: west side of NE 32 Avenue, on the Intracoastal Waterway

Victor Volpi introduced item stating that the applicant is requesting a temporary street closure for 18 months for the purpose of protecting public safety during the construction of the Il Lugano project within the Galt Ocean Mile area, along the west side of N.E. 32nd Avenue on the Intracoastal Waterway. He stated that the temporary street closure would provide an area for construction trucks and other related equipment to safely maneuver.

Peter Partington asked who had requested that they come to the PROW Committee. Mr. Lochrie said that the contractor approached the Engineering department and then he was referred to the PROW Committee. Chris Barton asked if the applicant had intentions on closing the entire street. Peter Partington stated that maybe this item did not need to come before this Committee. Bob Dunckel said that after speaking with Albert Carbon, Public Works Director prior to this meeting, issues were not resolved as to whether the longer term closures should be visited by the PROW Committee; should be handled with an Engineering and Maintenance of Traffic (MOT) agreement; or through the approval process of DRC whereby the neighborhood has time to comment on it.

Discussion followed as to the procedure for road closures for more than 30 days, input and approval from the neighbors, and the DRC process for street closures.

Mr. Lochrie stated they had approval from the neighbors. Peter Partington asked who they went to. Mr. Couf said that he contacted Alex Lee who is the head of the Galt Ocean Village Shops in the neighborhood. He said the residents were polled as well as the neighbors to the south and north, and when he went to Planning and Zoning they approved it by an 8-0 vote as all the neighbors came out to support it. Additionally, none of the neighbors including the Community Center will be impeded from accessibility to their parking lot or driveways. He said it would be beneficial to close it because of the trucks and flagman.

Peter Partington explained that as a general policy, street closures would be looked at the staging and phasing plans as part of DRC, if a MOT permit was pulled, and if the application proposes to (partially) close the road for more than 30 days, it would then be reported to the Commission. Tony Irvine said that in this case, the applicant would be preempting City's right-of-way for one year and a half. Peter Partington then asked if the was for more than 30 days, then it should come before the PROW Committee. Tony Irvine said yes.

Discussion ensued as to the proper procedure/policy for street closures coming before the PROW Committee, and notification to the City Commission.

Peter Partington asked if this project could be done without closing the road. Mr. Lochrie said yes, but it would be a better solution if they could close it because of the loading and reloading of trucks. He said he had worked with Parking regarding the loss of revenue from the parking meters and the applicant would reimburse the City \$700/month.

Chris Barton said that this is a public safety issue and better if they can get people away from the construction site, as there is an alternative road available for access. Tony Irvine asked about the area becoming a staging area, which would be governed by an ordinance. Peter Partington explained that staging areas would be where materials were stored, without wheels on it, in the right-of-way.

Discussion followed as to accommodating the developer's staging area and materials in the right-of-way and protecting the underground utilities.

Mr. Couf explained that a permit was received from Engineering to place the overhead power lines, Comcast, and Bell South lines underground and move a 54" PCP to the north, which provided drainage to the entire Galt Ocean Mile area, and would be out of the staging area. Peter Partington asked if the applicant would like to use the area as a staging area. Mr. Couf said that the materials would be stored at most, overnight. Mr. Couf suggested blocking off the portion of where the utilities were located.

Greg Thornburg said that not having access to the utilities would create a problem.

Discussion followed as to the sanitary sewers in the road, issues using the street/public right-of-way as a storage area, safety issues with the public during construction, and the protection of the utilities.

MOTION BY TONY IRVINE TO RECOMMEND APPROVAL FOR TEMPORARY STREET CLOSURE FOR TIME PERIOD SPECIFIED, SUBJECT TO NO STORAGE OF EQUIPMENT OR MATERIALS BE ALLOWED IN THE STREET CLOSED AREA. SECONDED BY TOM TERRELL.

Peter Partington asked about site offices for personnel. Chris Barton said that the construction trailers would be within the applicant's property.

MOTION AMENDED BY TOM TERRELL TO ADD SUBJECT TO NO STORAGE OF EQUIPMENT OF MATERIALS BETWEEN THE HOURS FROM 7:00 PM TO 7:00 A.M., AND ON WEEKENDS.

MOTION AMENDED BY PETER PARTINGTON TO ADD: SUBJECT TO INFORMING CITY COMMISSION OF THIS CLOSURE. SECONDED BY TOM TERRELL.

Greg Thornburg stated that he would need a contact person.

Bob Dunckel said he was going to vote against it because he felt that the public right-of-way should not be used as a staging area for private improvements.

Yeas: Peter Partington, Chris Barton, Tom Terrell, Greg Thornburg, Tony Irvine.

Nays: Bob Dunckel, Kathy Connor

MOTION PASSED.

Kathy Connor requested to be on the routing list for a copy of the MOT.

Meeting adjourned at noon.